

**ASSEMBLY BILL**

**No. 1098**

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**Introduced by Assembly Member Hagman**

February 27, 2009

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An act to amend Section 1 of Chapter 377 of the Statutes of 2004, relating to natural resources.

LEGISLATIVE COUNSEL'S DIGEST

AB 1098, as introduced, Hagman. Natural resources: resource conservation: Chino Agricultural Preserve.

The California Wildlife, Coastal, and Park Land Conservation Act (Proposition 70) provides funding from the sale of bonds for the acquisition, development, rehabilitation, protection, or restoration of park, wildlife, coastal, and natural lands in California.

Existing law authorizes the County of San Bernardino to sell property it owns within the Chino Agricultural Preserve that was purchased with those bond funds, provided the county meets the conditions required under that act for the sale, and other specified conditions, including using all the proceeds from the sale only for the acquisition of replacement land within the Chino Agricultural Preserve.

This bill would additionally authorize the County of San Bernardino to exchange property it owns within the Chino Agricultural Preserve that was purchased with those bond funds under the same conditions. The bill would revise one of those conditions to alternatively require the property received in an exchange and all the proceeds from a sale to be used for the improvement, operation, and maintenance of existing or replacement land within the Chino Agriculture Preserve.

Vote: majority. Appropriation: no. Fiscal committee: no.  
State-mandated local program: no.

*The people of the State of California do enact as follows:*

1 SECTION 1. The Legislature hereby finds and declares that  
2 the sale or exchange of property owned by the County of San  
3 Bernardino within the Chino Agricultural Preserve that was  
4 purchased with grant funds from the California Wildlife, Coastal,  
5 and Park Land Conservation Act (Division 5.8 (commencing with  
6 Section 5900) of the Public Resources Code), as authorized by  
7 subparagraph (F) of paragraph (3) of subdivision (b) of Section  
8 5907 of the Public Resources Code, and using the property received  
9 in any exchange and all of the proceeds from any sale for the  
10 acquisition of replacement land within the preserve or the  
11 improvement, operation, and maintenance of existing or  
12 replacement land within the preserve, is consistent with the intent  
13 and in furtherance of the purposes of the California Wildlife,  
14 Coastal, and Park Land Conservation Act.

15 SEC. 2. Section 1 of Chapter 377 of the Statutes of 2004 is  
16 amended to read:

17 SECTION 1. The Legislature authorizes, pursuant to paragraph  
18 (2) of subdivision (a) of Section 5919 of the Public Resources  
19 Code, the County of San Bernardino to sell *or exchange* property  
20 it owns within the Chino Agricultural Preserve that was purchased  
21 with grant funds from the California Wildlife, Coastal, and Park  
22 Land Conservation Act (Division 5.8 (commencing with Section  
23 5900) of the Public Resources Code), provided that the sale *or*  
24 *exchange* meets the conditions of subdivision (b) of Section 5919  
25 of the Public Resources Code and all of the following conditions:

26 (a) The County of San Bernardino uses *the property received*  
27 *in an exchange and* all the proceeds from ~~the a~~ sale only for the  
28 acquisition of replacement land within the Chino Agricultural  
29 Preserve *or the improvement, operation, and maintenance of*  
30 *existing or replacement land within the Chino Agricultural*  
31 *Preserve.*

32 (b) The County of San Bernardino prepares a detailed land plan  
33 showing which specific parcels of property acquired with the grant  
34 funds will be sold *or exchanged* and which specific parcels of  
35 property will be acquired, including land acquired or dedicated  
36 pursuant to subdivision (c).

37 (c) The land plan and environmental review demonstrate that  
38 there is no net loss in acreage or habitat value as a result of

1 implementation of the plan. If the sale *or exchange* of properties  
2 that were acquired with the grant funds, and the acquisition of  
3 replacement land as authorized by this subdivision, results in any  
4 net loss in acreage or habitat value of protected land, the County  
5 of San Bernardino shall acquire or dedicate additional land within  
6 the boundaries of the 14,000-acre Chino Agricultural Preserve, as  
7 it existed on June 8, 1988, including property surrounding the  
8 Chino airport, to make up for that loss and shall conserve all the  
9 land acquired or dedicated as authorized by this subdivision in  
10 perpetuity for agricultural purposes, including community gardens,  
11 agricultural heritage projects, agricultural and wildlife education,  
12 or wildlife habitat.

13 (d) The County of San Bernardino holds a public hearing before  
14 the Board of Supervisors for the purpose of reviewing the land  
15 plan and taking public comment. The hearing shall be scheduled  
16 for a specific time during a regularly scheduled meeting of the  
17 board, and shall be separately noticed and publicized.

18 (e) The County of San Bernardino, prior to closing any real  
19 property transactions with respect to the land plan, submits  
20 independent appraisals of the land to be sold *or exchanged* and  
21 the land to be acquired to the Department of Parks and Recreation  
22 for concurrence with state appraisal standards. These appraisals  
23 shall be made available to the public.

24 (f) All land acquired or dedicated, including land previously  
25 acquired with the grant funds, other than land identified for sale  
26 *or exchange* pursuant to the land plan, shall be protected in  
27 perpetuity by recordation of agricultural use deed restrictions or  
28 agricultural conservation easements at the time of purchase or  
29 dedication, and, in the case of properties previously acquired with  
30 the grant funds, within 60 days of approval of the land plan by the  
31 County of San Bernardino. The County of San Bernardino shall  
32 not sell, *exchange*, or acquire land pursuant to this section unless  
33 and until the San Bernardino County Board of Supervisors  
34 approves the land plan specified in subdivision (b).

35 (g) All transactions that occur pursuant to this section shall  
36 comply with the California Environmental Quality Act (Division  
37 13 (commencing with Section 21000) of the Public Resources  
38 Code).

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